



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, November 9, 2017 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	December 14, 2017

MEMBERS PRESENT

Lynette Scott, Professional Member, **Chairperson**
Lynn Rogers, Public Member, **Vice-Chairperson**
Jason Giles, Professional Member
Nora Martin, Professional Member
Randy Marvel, Professional Member
Nikki Lane, Professional Member, **Secretary**
Nathaniel Gibbs, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Patty Davis, Deputy Attorney General
Nicole Williams, Administrative Specialist III

MEMBERS ABSENT

Mark Whitlock, Public Member

ALSO PRESENT

Barbara Brodoway, Esq. of the Real Estate Education Committee
Tom Burns of the Real Estate Education Committee

CALL TO ORDER

Ms. Scott called the meeting to order at 9:04 a.m.

REVIEW OF MINUTES

The Commission reviewed the October 12, 2017 meeting minutes. Ms. Lane made a motion, seconded by Mr. Giles, to approve the October minutes as written. By unanimous vote, the motion carried.

UNFINISHED BUSINESS

Sign Final Order for James E. Schneider from Guaranty Fund Recovery Claim Hearing

Ms. Scott signed the Final order for James E. Schneider from the Guaranty Fund hearing.

Sign Final Orders from Hearing Officer Recommendations

Ms. Scott signed the final orders for the hearing officer recommendations for the below licensee's:

Laird Bunch	James Lacey	John McCool	Mark Grimberg
Marcus Isaac	Aafke Lazar	Lori May	John Rappa
Yessenia Tavaréz	Jan Thomas	Julie Spagnolo	Desiderio Rivera

Tabled discussion of reinstatement regulations

Ms. Kelly advised that the matter was brought before Ms. Williams regarding the reinstatement regulations as they need to be clarified in what is required to reinstate pertaining to the exam and the amount of continuing education (CE) needed. Ms. Kelly suggested requiring the amount of CE's for reinstatement to be within the current two year period, such as anyone that reinstates after the 60 day late renewal period must do 21 hours of CE within the past 2 years. Additionally if the license is lapsed six months or less, then should CE be required at all. Ms. Kelly advised that the reinstatement requirement is not clear regarding needing the State and National exams. She advised to clarify the regulations to determine when the person is required to take the State and/or National exam, for example, if the license is lapsed over 2 years in DE but have been actively practicing in another state, then only need to take the State law exam. If the license is lapsed over 2 years and has not been actively practicing in another state, then must re-take the National and State exam and must retake the pre-licensing class as well. Ms. Kelly suggest to prorate the CE's, such as if lapsed 6 months or less, then only require so many CE's, if over 6 months to a year, then so may CE's, and if more than one year to 18 months then require so many CE's, and if after 2 years then require the full 21 hours of CE within the past 2 years. The Commission determined to change late renewal period to 30 days instead of 60 days.

Previous discussion of 60 day late renewal regulations

Ms. Kelly advised that the issue is a matter of many licensees completing their CE during the late renewal period and the language needs to be further clarified. The Commission determined to clarify the 60 day late renewal regulations to state only 30 days for late renewal and that CE cannot be completed during the late renewal period and to keep that all late renewals will be audited. As for audits, the Commission wants the brokers to also be held accountable for their agents that have been found non-compliant. They want the agent to be fined up to \$500 and the broker fined \$1,000 for all non-compliant audits. Ms. Kelly and Ms. Williams will work with the Administrative Hearing Unit to enforce this sanction and will work with drafting an email blast to all licensees regarding the renewal requirements, the late renewal, hardship options, inactive options, and the CE requirements.

Previous discussion on property management

Ms. Scott advised that Ms. Davis provided some clarification regarding property management and the case previously before the Commission in a consent agreement. Ms. Scott advised that there were other business providing property management services but do not have a license to do so and was discussed during the last Sunset Review. Ms. Kelly advised that in 24 Del. C. section 2901 (e)(5) the exemption language includes a states "A provider of property management services as defined in § 2902 of this title excepting that a provider of property management services shall not directly or indirectly sell or offer to sell, buy or offer to buy, negotiate the purchase, sale, or exchange of real estate, lease or rent or offer for lease or rent any real estate, or negotiate leases or rental agreements thereof or of the improvements thereon for others." Ms. Kelly advised that the language basically states that a person does not need a license to provide management services unless he or she is conducting the leases or rental agreements.

Additionally 24 Del. C. section 2902 (18) states "'Property management services" means those actions taken for others, pursuant to an agreement, in exchange for a fee, commission, compensation or other valuable consideration which include the supervision and the administration of the physical maintenance and/or the financial matters of real property. These supervision services may include assisting the owner in decisions in the selection of tenants, budgeting for the operation of property or properties, collecting of rent or rents, or maintaining security deposits.'

Previous discussion of regulation re: duty to update address

The Commission determined that they wanted the language changed from 10 days to 30 days for the duty to update their address in the law. Furthermore, the address on file for all licensees is their personal address as only the license itself is sent to the broker's office; all other correspondence is sent to the licensee's personal address, not the office address.

NEW BUSINESS

Education Committee Report – November 2, 2017

Mr. Burns and Ms. Brodoway both provided the Education Committee report. Of the 6 course provider applications, 4 were approved, 1 was tabled and 1 was denied which was based on not meeting the ARELLO difficulty rating as state in the Guidelines. Of the 2 instructor applications, 1 was approved and 1 was denied which was based on the instructor not meeting the experience requirement. Ms. Brodoway advised that the Committee discussed extensively the issue of having guest speakers for teaching a course, clarification of the language for new licensee modules, and strengthening the language for the requirements for instructors with the assistance of Ms. Kelly. Ms. Brodoway advised that the guest speaker did not have to be an approved instructor, but would be limited to how much of the course he or she could teach.

Additionally the Committee discussed proposing stricter instructor qualifications for those who want to teach the pre-licensing and broker courses versus those who want to teach an ongoing CE course. The Committee briefly touched on taking into consideration if an instructor has had previous disciplinary action when he or she submits an application for approval, i.e. the instructor taught a course for which he or she was not approved. The Commission agreed and Ms. Kelly advised that the current Education Guidelines allow for this provision; however she will research the language. Ms. Kelly also advised the Commission that the Committee proposed language to allow for a course provider or instructor with an education request that was denied to submit a written submission before the Commission to appeal that denial. Ms. Lane moved, seconded by Mr. Giles, to approve the November Committee report. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Associate Brokers/Brokers/Salespersons Applications

Mr. Giles made a motion, seconded by Mr. Rogers, to ratify the approved applications for associate broker, brokers, and salespersons per attached list at the end of the minutes. By unanimous vote, the motion carried.

Review of New Office Application(s)

The Commission reviewed the following office application(s) for relocation:

RE/MAX Above and Beyond – Rehoboth Beach, DE; BOR: Justin Healy

Mr. Giles made a motion, seconded by Ms. Martin, to approve the above office application. By unanimous vote, the motion carried.

Ratification of Reinstatement Application(s) for Licensure – General and Law Exams Passed

Mr. Giles made a motion, seconded by Mr. Rogers, to ratify the reinstatement application for licensure for Enoch Usenbor, as the applicant passed both the General and State law exams. By unanimous vote, the motion carried.

Status of Complaints

There were no complaints for Commission discussion.

F2016 Audit - Non Response licensees currently scheduled for a RTSC Hearing for 11/28/17

Ms. Scott advised the below licensees have been currently scheduled for a RTSC hearing for 11/28/17 and for anyone that provides proof of compliance prior to that date the hearing will be cancelled.

Diana Cresto
Jay Rath
Mary Brown
Richard Milutin

Daniel Bunting
Courtney Ritter
Ronald Martin

David Mearns
Mathew Adler
Alfonso Smith

G.Review and consider Hearing Officer Recommendation for Billie Chubb

The Commission reviewed and considered the hearing officer recommendation for Billie Chubb. Mr. Giles moved, seconded by Ms. Martin, to accept the recommendation with a letter of reprimand. Mr. Gibbs opposed. By majority vote, the motion carried.

CORRESPONDENCE

There was no correspondence for the Commission to review and discuss.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission for discussion.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on November 9, 2017 at 9:00 a.m. in Conference Room A, 861 Silver Lake Boulevard, Suite 203, Dover, DE.

ADJOURNMENT

Mr. Giles made a motion, seconded by Mr. Rogers, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:34 a.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.

Associate Brokers/Brokers/Salespersons License List

RA-0020625	Squire, Susan M.	Associate Broker	Delaware Homes Real Estate	Smyrna DE 19977
RA-0020627	English, Maurrell S.	Associate Broker	Weichert Realtors	Wilmington DE 19808
RA-0020628	Price, Pamela S.	Associate Broker	Re/Max Coast & Country	Delmar DE 19940
RA-0020629	Quinn, Christina E.	Associate Broker	Keller Williams Real Estate	Christiana DE 19702
RB-0020623	Bryan, Richard L.	Broker	Delaware Coastal Realty	Lewes DE 19958
RB-0020624	Takacs, John T.	Broker	eXp Realty	Wilmington DE 19803
RB-0020626	Kennington, Bruce C., Jr.	Broker	Kennington Realty, Inc.- A Buyer's Agent	Salisbury MD 21801
RB-0020630	Dailey, Scott M.	Broker	Sunrise Real Estate	Lewes DE 19958
RS-0024854	Albin, Todd A.	Salesperson	DSM Brokerage Services, LLC	Newark DE 19713
RS-0024855	Sheehan, Eric J.	Salesperson	Patterson Schwartz Middletown	Middletown DE 19709
RS-0024856	Cole, Mary Jo	Salesperson	Keller Williams Realty Delmarva	Ocean City MD 21842
RS-0024857	Cornelius, Danielle	Salesperson	Keller Williams Real Estate - Media	Media PA 19063
RS-0024858	Dickson, Joshua D.	Salesperson	LINDA VISTA Real Estate	Seaford DE 19973
RS-0024859	Vari, Alicia T.	Salesperson	Patterson Schwartz Greenville	Greenville DE 19807
RS-0024860	Carlton, Tina M.	Salesperson	Long & Foster Real Estate, Inc.	Greenville DE 19807
RS-0024861	Ruta, Eugenio	Salesperson	Fox & Roach Realtors	Newark DE 19711
RS-0024862	Twesten, Diane L.	Salesperson	McComsey Real Estate LLC	West Chester PA 19382
RS-0024863	Scuderi, Diane L. Potenza	Salesperson	Keller Williams Realty	Christiana DE 19702
RS-0024864	Bolanos, Darlene G.	Salesperson	Fox & Roach LP - BHHS	Devon PA 19333
RS-0024865	Biamby, Rodney J.	Salesperson	Keller Williams Realty	Rehoboth Beach DE 19971
RS-0024866	Collins, Brett B.	Salesperson	ERA Martin Associates	Salisbury MD 21804
RS-0024867	Stone, Michael	Salesperson	Realty Mark Associates	Newark DE 19702
RS-0024868	Goldfine, Joshua D.	Salesperson	Lanard & Axilbund, LLC dba Colliers International	Philadelphia PA 19103
RS-0024869	Lopez, Chelsie M.	Salesperson	Weichert Realtors - First Class	Dover DE 19901
RS-0024870	Figueroa, Carolyn	Salesperson	Patterson Schwartz Real Estate	Dover DE 19904
RS-0024871	Quick, Danielle Christine	Salesperson	Brandywine Realty Management	Wilmington DE 19805
RS-0024872	Davis, Alexander A.	Salesperson	Long & Foster Real Estate, Inc.	Greenville DE 19807
RS-0024873	Lesko, Jason	Salesperson	Coldwell Banker Residential Brokerage	Bethany Beach DE 19930
RS-0024874	Roughton, Anita T.	Salesperson	Coldwell Banker Residential Brokerage	Bethany Beach DE 19930
RS-0024875	Redefer, John E., IV	Salesperson	Rehoboth Bay Realty Co.	Dewey Beach DE 19971
RS-0024876	Wheatley, Ashley R.	Salesperson	Patterson Schwartz Real Estate	Rehoboth Beach DE 19971
RS-0024877	Pipinos, Jennifer M.	Salesperson	Patterson Schwartz Real Estate	Newark DE 19713
RS-0024878	Saunders, Scott	Salesperson	Weichert Realtors	Wilmington DE 19808
RS-0024879	Panchal, Yogesh D.	Salesperson	Next RE, Inc.	Middletown DE 19709
RS-0024880	Simmons, Cheryl L.	Salesperson	Keller Williams Realty	Christiana DE 19702
RS-0024881	Roland, Ellen D.	Salesperson	Masten Realty	Milford DE 19963
RS-0024882	O'Neill, Liam Patrick	Salesperson	Patterson Schwartz Real Estate	Hockessin DE 19707

License No.	Name	Type	Office	Office Location
RA-0020616	Bennett, Maria C.	Associate Broker	NextRE, Inc.	Middletown DE 19709
RA-0020617	Wooding, Henry C.	Associate Broker	Point Realty LLC, d/b/a RE/MAX Point Realty	Wilmington DE 19808
RA-0020619	Sherr, Bonnie M	Associate Broker	Long & Foster Real Estate, Inc.	Wilmington DE 19807
RA-0020620	Williams, John C.	Associate Broker	Re/Max Excellence	Kennett Square PA 19348
RA-0020621*	Barrows, Brian K.	Associate Broker	Ocean Atlantic Sotheby's Int. Realty	Rehoboth Beach DE 19971
RB-0020613	Martin, Nora Anne McCaffrey	Broker	Rehoboth Real Estate Company, LLC	Rehoboth Beach DE 19971
RB-0020614	Parks, Frank	Broker	Century 21 Home Team Realty	Rehoboth Beach DE 19971
RB-0020615	Chen, Lyman	Broker	Re/Max Sunvest Realty	Wilmington DE 19810
RB-0020618	Hamilton, Karen A	Broker	Re/Max Coast & Country	Delmar DE 19940
RB-0020618	Hamilton, Karen A	Broker	Re/Max Coast & Country	Delmar DE 19940